

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SCOTT D. MCCLURG, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:12-CV-00361-AGF
)	
MALLINCKRODT, INC., et al.,)	Lead Case
)	
Defendants.)	

MEMORANDUM ORDER

This matter is before the Court on review of the file. The Court has consolidated a number of cases in this matter for pretrial consolidation pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 4.03. Although the Plaintiffs in most of the consolidated cases are represented by the same counsel as the Plaintiffs in the Lead Case, in two cases, *Anderhub, et al. v. Mallinckrodt LLC*, et al., No. 4:16-cv-00655-AGF and *Parmeter v. Mallinckrodt LLC, et al.*, No. 4:17-CV-01938-AGF, the Plaintiffs are represented by a different attorney, Gary Burger. Mr. Burger did not oppose Defendants' motions to consolidate the *Anderhub* and *Parmeter* cases with the Lead Case, and those motions were granted on June 30, 2016 and August 14, 2017, respectively. But Mr. Burger has not appeared on behalf of his clients at any of the regularly-held status and mediation conferences in this case. At the most recent such status conference, held on December 14, 2017, at which Mr. Burger did not appear, Defendants informed the Court that Mr. Burger has also not made the disclosures on behalf of his clients that were required by the Court's Case Management Orders applicable to all consolidated cases.

To the extent that the Court has not already done so, it wishes to make clear now that the Case Management and other Orders entered in the Lead Case apply to all consolidated cases.


Thus, for example, Case Management Order No. 1 in the Lead Case (ECF No. 286) requires that Plaintiffs in any newly-filed and consolidated cases shall provide preliminary expert reports regarding exposure, completed Plaintiff questionnaires, medical records, and signed authorizations for the release of medical and employment records, all in the format agreed to by the parties in the Lead Case, within 60 days of filing suit. Likewise, the Court has set regular status conferences in this case, with lead counsel for each party required to appear in person and to participate in the preparation and filing of regular joint status reports.

Accordingly,

IT IS HEREBY ORDERED that the Plaintiffs in *Anderhub, et al. v. Mallinckrodt LLC*, et al., No. 4:16-cv-00655-AGF and *Parmeter v. Mallinckrodt LLC, et al.*, No. 4:17-CV-01938-AGF, shall provide, no later than **60 days** from the date of this Order, the disclosures required by Case Management Order No. 1 (ECF No. 286 in the Lead Case), as set forth above. Defendants shall confer in good faith with Plaintiffs' counsel in the above-noted cases regarding the previously agreed-upon format and manner of such disclosures.

IT IS FURTHER ORDERED that the Plaintiffs in *Anderhub, et al. v. Mallinckrodt LLC*, et al., No. 4:16-cv-00655-AGF, *Parmeter v. Mallinckrodt LLC, et al.*, No. 4:17-CV-01938-AGF, and all other cases consolidated in this matter, are reminded that the Case Management and other Orders entered in the Lead Case shall apply to all consolidated cases.

IT IS FURTHER ORDERED that the Clerk of Court shall file a copy of this Order in *Anderhub, et al. v. Mallinckrodt LLC*, et al., No. 4:16-cv-00655-AGF and *Parmeter v. Mallinckrodt LLC, et al.*, No. 4:17-CV-01938-AGF.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 20th day of December, 2017.